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Programme budget for the biennium 2006-2007

Administration of justice at the United Nations

Report of the Redesign Panel on the United Nations system of administration of justice

Revised estimates relating to the programme budget for the biennium 2006-2007 and the proposed programme budget for the biennium 2008-2009 pursuant to General Assembly resolution 61/261

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General (A/61/891). During its consideration of the report, the Committee met with the Under-Secretary-General for Management, the United Nations Ombudsman and other representatives of the Secretary-General, who provided additional information and clarifications.

2. In its resolution 61/261, the General Assembly stated its objective of implementing the new system of administration of justice no later than January 2009. In the transitional period until the new system becomes operational, the Assembly requested the Secretary-General to ensure that the Joint Appeals Boards, the Joint Disciplinary Committees, the United Nations Administrative Tribunal and other bodies continue to function properly, to comply with the time limits of the appeals process and to clear the existing backlog and all cases before them (paras. 29-31). The Assembly also requested a series of additional reports to be submitted by the Secretary-General at the main part of its sixty-second session (paras. 32 and 33). The Assembly further requested the Secretary-General to submit a report on resources required for the implementation of the resolution as a matter of priority at the second part of its resumed sixty-first session (para. 34).

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3. The report of the Secretary-General, submitted in response to the latter request, contains his proposals for additional resources for the bienniums 2006-2007 and 2008-2009, grouped under three main areas: (a) the clearing of the backlog and pending cases before January 2009; (b) the immediate strengthening of the Office of the Ombudsman; and (c) the preparatory work for the implementation of the new system of internal justice.

4. These proposals would require additional resources in the range of $1.9 million for the last six months of the current biennium, from 1 July to 31 December 2007. This amount is intended, in large part, to cover the resource requirements for general temporary assistance to expedite the clearing of the backlog and the processing of new cases by the Panel of Counsel, the secretariats of the Joint Appeals Boards and Joint Disciplinary Committees at Headquarters and Geneva, the Administrative Law Unit and conference services, as well as 11 new posts (3 D-1, 3 P-5, 5 General Service) for regional Ombudsmen in Geneva, Vienna and Nairobi and the staffing of the Mediation Division. The Advisory Committee was informed that the Secretary-General expected to meet the additional requirements for 2006-2007 from within existing resources (see also A/61/891, paras. 55 (b) and (c)). Actual expenditure under each section will be recorded in the second performance report on the programme budget for the biennium 2006-2007.

5. The Advisory Committee notes that the resources required for the continuation of the proposals in 2008-2009, along with additional requests for which resources were not requested for the current biennium, are estimated at $6.8 million. The Secretary-General indicates that the relevant resources for the continuation of the proposals for the biennium 2008-2009 would be incorporated in the initial appropriation at the time of the adoption of the programme budget in December 2007 (ibid., para. 55 (d)). **The Committee intends to revert to the requests for the biennium 2008-2009 when it takes up the proposed programme budget for that biennium. Accordingly, in the present report, the Committee's observations and recommendations are confined to the Secretary-General's revised estimates for the biennium 2006-2007.** The Committee has not addressed the Secretary-General's requests for which additional resources are sought in 2008 only, including the requests for addressing the backlog at the United Nations Administrative Tribunal and in the Executive Office of the Secretary-General (ibid., paras. 21-35) and the activities related to the implementation of the new system of administration of justice (ibid., paras. 47-50).

II. Clearing of the backlog and pending cases during the remainder of the biennium 2006-2007

6. Additional resources in the amount of $765,700 for general temporary assistance and $25,000 for operational costs are proposed for the six-month period from 1 July to 31 December 2007 to meet the requirements for increased activity related to the objective of clearing the backlog before the introduction of the new system of administration of justice. **The Advisory Committee recognizes the need to clear backlogs and ensure that new cases do not lead to an increase in the backlog while maintaining full due process standards (see General Assembly resolution 61/261, paras. 30 and 31). The Committee is therefore recommending approval of the resources requested for 2007, recalling the Secretary-General's**

indication that those requirements will be accommodated within the funds already appropriated for 2006-2007 (see para. 4 above). The Committee also recognizes a continued need for additional resources in 2008. It will consider overall requirements in this regard under the relevant sections of the proposed programme budget for the biennium 2008-2009. Additional requirements for 2008 can be considered further in the light of the actual status of the backlog.

7. A breakdown of the resources requested for the different stages of the process is provided in the table below.

(United States dollars)

	General temporary assistance	*Operating expenses, supplies and equipment*
Panel of Counsel	81 500	4 700
Joint Appeals Board and Joint Disciplinary Committee secretariat at Headquarters	103 600	6 600
Joint Appeals Board and Joint Disciplinary Committee secretariat at Geneva	68 900	10 000
Administrative Law Unit	86 000	3 700
General Assembly and Economic and Social Council affairs and conference management	425 700	—

Panel of Counsel

8. Additional resources for general temporary assistance equivalent to six months at the P-4 level are proposed to supplement the existing staffing of the New York office of the Panel of Counsel as part of the overall effort to comply with the time limits of the appeals process, to clear the existing backlog of 100 cases and to handle the expected additional workload anticipated in 2007. Upon request, the Advisory Committee was provided with additional information on the cases filed and disposed of since 2004, with projections for 2007 and 2008 (see annex). The Committee was informed that the increase in the number of expected cases from 294 in 2006 to 332 in 2007 and 375 in 2008 was based on the assumption of the continuation of the trend of an average annual increase of 13 per cent observed between 2004 and 2006.

9. In this connection, the Advisory Committee points out that, in paragraphs 23 and 24 of its resolution 61/261, the General Assembly had agreed that legal assistance for staff should continue to be provided and that it supported the strengthening of a professional office of staff legal assistance. The Assembly had also reiterated its invitation to staff representatives to explore further the possibility of establishing a staff-funded scheme in the Organization that would provide legal advice and support to staff and to consult with the Secretary-General as deemed appropriate. The Committee recalls that, while the Redesign Panel has called for the establishment of a professional Office of Counsel, it has also pointed out that this would not preclude voluntary service in the Panel of Counsel by retired staff members of organizations of the United Nations system who are qualified lawyers as a back-up to full-time counsel (A/61/205, para. 108). **The Committee expects that the report of the Secretary-General on this issue, as requested by the General Assembly (resolution 61/261, para. 32), will be submitted as a matter of priority.**

Joint Appeals Board and Joint Disciplinary Committee secretariat at Headquarters

10. As indicated in paragraph 13 of the report of the Secretary-General, additional resources for general temporary assistance equivalent to one P-3 and one General Service position for a period of six months are requested to comply with the time limits of the appeals process and to clear the existing backlog of cases, in accordance with paragraphs 29 to 31 of General Assembly resolution 61/261. Upon request, the Advisory Committee was provided with additional information on the backlog of appeals and disciplinary cases as well as the expected new caseload in 2007 (see annex). On the basis of existing trends, it is anticipated that some 80 appeals, 20 requests for suspension of action and 20 disciplinary cases will be filed in 2007. With its current resources, the Joint Appeals Board expects to dispose of 60 appeals, 20 requests for suspension of action and 20 disciplinary cases during the year. This would lead to a net increase in the backlog from the end of 2006 to the end of 2007 from 93 to 113 appeals and from 26 to 31 disciplinary cases.

Joint Appeals Board and Joint Disciplinary Committee secretariat at Geneva

11. As indicated in paragraph 16 of his report, the Secretary-General is requesting additional resources for general temporary assistance equivalent to one P-3 for a period of six months, essentially to clear the backlog of cases. Upon enquiry, the Advisory Committee was informed that the Joint Appeals Board and Joint Disciplinary Committee had been able to dispose of cases filed in 2006 within their current staffing complements. Additional information on the number of cases expected to be filed and disposed of in 2007 and 2008 is provided in the annex.

Administrative Law Unit

12. In accordance with the transitional measures set out in resolution 61/261 (paras. 29-31), additional resources for general temporary assistance equivalent to one P-4 for a period of six months are requested to ensure that all cases are completed in a timely manner within the year that they are received in the Administrative Law Unit and to ensure that all cases are completed by 31 December 2008. The Administrative Law Unit's 2006 caseload and projections for 2007 are provided in table 2 of the report of the Secretary-General.

General Assembly and Economic and Social Council affairs and conference management

13. As indicated in paragraph 36 of the report of the Secretary-General, the Department for General Assembly and Conference Management will issue the Administrative Tribunal cases processed from 1 July 2007 to 31 December 2008 in English and French. Additional resources in the amount of $425,700 are requested for general temporary assistance to process the projected 65 cases expected in 2007, including editing, translation and text-processing services. It is also indicated that the Department issues on average some 60 cases per year when capacity is available.

III. Strengthening of the Office of the Ombudsman

Office of the Ombudsman

14. Additional resources in the amount of $223,800 are requested for the Office of the Ombudsman. The Secretary-General proposes to establish the following posts to staff the three branches of the Office of the Ombudsman in Geneva, Vienna and Nairobi, with effect from 1 July 2007:

(a) 1 D-1, Regional Ombudsman, Geneva;

(b) 1 General Service (Other level), Administrative Assistant, Geneva;

(c) 1 P-5, Regional Ombudsman, Vienna;

(d) 1 General Service (Other level), Administrative Assistant, Vienna;

(e) 1 D-1, Regional Ombudsman, Nairobi;

(f) 1 General Service (Other level), Administrative Assistant, Nairobi.

15. The Advisory Committee recalls that the question of the staffing of regional branches of the Office of the Ombudsman has been ongoing for some time. In its resolution 59/283, the General Assembly requested the Secretary-General to submit proposals to strengthen the Office of the Ombudsman and to improve the access of staff serving in locations away from Headquarters to its services. In response to that request (A/60/303), the Secretary-General proposed to create three branch offices of the Office of the Ombudsman in Geneva, Vienna and Nairobi, headed by chiefs at the D-1 level. The Committee expressed its opinion that the proposal needed to be reworked and that thought should be given to finding means to provide services to staff without automatically creating new posts, taking fully into account existing requests in the proposed programme budget for 2006-2007 (A/60/7/Add.1, para. 5). Subsequently, the Assembly, in paragraphs 7 and 8 of its resolution 60/246, requested the Secretary-General to utilize the experimental arrangement of flexibility for 50 posts (resolution 58/270, para. 14) to provide for the 3 D-1 posts requested for the regional Ombudsmen. However, in the first performance report on the programme budget for the biennium 2006-2007 (A/61/593, para. 36), the Secretary-General reported that efforts to identify three D-1 posts for that purpose had been unsuccessful. The Assembly expressed its concern that those posts had not been provided for and reiterated its request that the Secretary-General expeditiously implement paragraph 8 of its resolution 60/246 (resolution 61/252, sect. VIII, para. 3). In his note (A/61/758) containing his comments on the report of the Redesign Panel (A/61/205), the Secretary-General proposed to establish three branch offices of the Office of the Ombudsman, including related resources. In its resolution 61/261 (paras. 12 and 13), the Assembly decided to create a single integrated and decentralized Office of the Ombudsman for the United Nations Secretariat, funds and programmes, and again requested the Secretary-General to identify three posts for the Office of the Ombudsman for Geneva, Vienna and Nairobi.

16. As stated above, the Secretary-General is requesting the establishment of six new posts to staff the regional offices of the Ombudsman. **The Advisory Committee notes that the Secretary-General's efforts to identify three posts for the regional Ombudsmen, as requested by the General Assembly in paragraph 13 of its resolution 61/261, have not yet been successful. In view of**

the importance of providing access to the services of the Ombudsman for staff away from Headquarters, the Committee recommends that the posts requested be established as temporary positions funded through general temporary assistance for the period from 1 July to 31 December 2007.

Mediation Division

17. Total resources requested for the Mediation Division for 2006-2007 amount to $410,500. The Secretary-General proposes to establish the following posts with effect from 1 July 2007, in accordance with paragraph 16 of General Assembly resolution 61/261 and recommendations of the Redesign Panel (see A/61/891, paras. 44-46):

(a) 1 D-1, Chief Mediator;

(b) 2 P-5, Senior Mediators;

(c) 2 General Service (Other level).

18. The General Assembly may wish to recall that, in a statement made to the Fifth Committee prior to the adoption of resolution 61/261, the Secretariat had put on the record its understanding that there were no financial implications relating to, inter alia, operative paragraph 16, concerning the establishment of the Mediation Division, and that details on the resource requirements would be presented to the Assembly at its sixty-second session in the context of the report requested in paragraph 32 of the resolution. **Given that resolution 61/261 was adopted by the Assembly subsequent to that statement, the Advisory Committee shall revert to this issue in the context of its consideration of the programme budget for the biennium 2008-2009.**

Office of Central Support Services

19. The Advisory Committee notes that the adoption of the above proposals would entail additional resources under budget section 28D, Office of Central Support Services, for general operating expenses for the provision of office furniture in the amount of $28,700 as well as the rental and maintenance of premises and a one-time provision for the alteration of office space, estimated at $108,500 for the biennium 2006-2007.

IV. Conclusion

20. **The actions to be taken by the General Assembly in connection with the revised estimates relating to the programme budget for the biennium 2006-2007 pursuant to its resolution 61/261 are indicated in paragraphs 55 (a) to (c) of the report of the Secretary-General (A/61/891). The Advisory Committee's recommendations are contained in paragraphs 6, 16 and 18 above. As regards paragraph 55 (d) of the report of the Secretary-General, the Committee points out that the requests for the biennium 2008-2009 should be considered in the context of the proposed programme budget.**

Annex

Workload and backlog information and projections for 2007-2008

Panel of Counsel

Year	*Opening balance*	*Cases filed*	*Cases disposed*	*Closing balance*
2004	147	224	234	137
2005	137	266	233	170
2006	170	294	233	231
2007	231	332	—	—
2008	—	375	—	—

Joint Appeals Board at Headquarters

Year	*Opening balance*	*Cases filed*	*Cases disposed*	*Closing balance*
2004	107	285[a]	92	300
2005	300	99	83	316
2006	316	108	331[a]	93
2007	93	100	80	113
2008	113	100	80	133

[a] Includes 233 class action cases regarding non-conversion to permanent appointment, which could have been consolidated as one case for review. In 2006 the parties agreed to a direct submission of these 233 cases to the Administrative Tribunal.

Joint Disciplinary Committee at Headquarters

Year	*Opening balance*	*Cases filed*	*Cases disposed*	*Closing balance*
2004	7	10	6	11
2005	11	22	14	19
2006	19	24	17	26
2007	26	25	20	31

Joint Appeals Board at Geneva

Year	*Opening balance*	*Cases filed*[a]	*Cases disposed*	*Closing balance*
2007	33	30	34	29
2008	29	24	35	18

[a] Includes requests for suspension of action.

Joint Disciplinary Committee at Geneva

Year	*Opening balance*	*Cases filed*	*Cases disposed*	*Closing balance*
2007	13	8	17	4
2008	4	8	12	0